

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLARENCE HEATLEY

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

15-CV-9534 (LAP)

96-CR-515 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

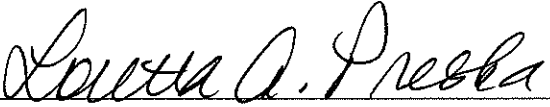
On December 17, 2024, this Court received Clarence Heatley's pro se motion for a certificate of appealability (dkt. no. 43), regarding the Court's opinion and order denying his motion to vacate his sentence pursuant to 28 U.S.C. § 2255, (dkt. no. 40).¹ The motion makes no substantial showing of a denial of a constitutional right, as evidenced by this Court's 35-page opinion and order denying Mr. Heatley's 28 U.S.C. § 2255 motion. In that opinion, this Court already found that Petitioner's claims would fail on the merits. As such, the Court declines to issue a certificate of appealability. See 28 U.S.C. § 2253.

¹ (See Government Memorandum of Law in Opposition of Motion for Certificate of Appealability, dated January 21, 2025 [dkt. no. 45]; Motion to Amend Certificate of Appealability, dated January 22, 2025 [dkt. no. 46]; Government Memorandum of Law in Opposition of Motion to Amend Certificate of Appealability, dated February 25, 2025 [dkt. no. 48]; Petitioner's Reply to Government Opposition of Motion for Certificate of Appealability, dated February 25, 2025 [dkt. no. 49].)

The Clerk of the Court shall close docket numbers 43 and 46
in 15-CV-9534 and docket number 789 in 96-CR-515.

SO ORDERED.

Dated: April 10, 2025
New York, New York



LORETTA A. PRESKA
Senior United States District Judge